

## **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-5 in the application. The Applicants have canceled Claims 1-5 and have added Claims 6-47. Accordingly, Claims 6-47 are currently pending in the application.

### **I. Formal Matters**

The Examiner has noted that the papers giving or revoking a power of attorney are required to be signed by all the applicants or owners of the application. In the instant case, the applicants have all assigned their interests in the application to Privacy Infrastructure, Inc., a Texas corporation, certain of which assignments are being filed contemporaneously herewith. A new power of attorney signed by the President and CEO of Privacy Infrastructure, Inc. is included herewith.

### **II. Rejection of Claims 1-5 under 35 U.S.C. §103**

The Examiner rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over Low *et al.*, "Anonymous Credit Cards," IEEE Symposium on Research in Security and Privacy, 1994, p. 1-10. Although Claims 1-5 have been canceled, the Applicants have the following comments with respect to Low. As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each

element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates nonobviousness.

Moreover, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Low addresses anonymous banking or financial relationships. The essence of Low is that a person with an anonymous bank account, such as a Swiss numbered account, can use that account to create an account with a credit card issuer. This card is a cash card where the bank has deposited cash with the credit card company to permit the holder to use the card to purchase or pay for items up to the amount of such cash value. The company issuing the card trusts the bank, so it does not need to know the name of the customer and the bank, by definition, does not know the name of its customer. This permits the card holder to use plastic and make purchases without having to reveal his or her identity.

The system does not create pseudo-identities for the purpose of browsing, searching for information or purchasing a product. The system requires at least two financial institutions to be involved, the bank and the credit card company. The system described in Low does not have a

consumer information database including specification regarding preferences or a product that a consumer wants to acquire. Nor does the system have a parsing program for creating a browsing key for communicating with a vendor in the name of a pseudo-identity or a payment key for paying for the product in the name of said pseudo-identity.

The Examiner also rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,961,593 to Gabber in view of Low. Gabber describes a proxy system for browsing over a network, such as the Internet. Gabber does not describe a consumer information database including a specification regarding preferences or a product that a consumer wants to acquire. Nor does the system have a parsing program for creating a browsing key for communicating with a vendor in the name of a pseudo-identity or a payment key for paying for the product in the name of said pseudo-identity.

Neither Low nor Gabber, individually or in combination with Low teach or suggest the invention recited in Claims 5-47 when considered as a whole.

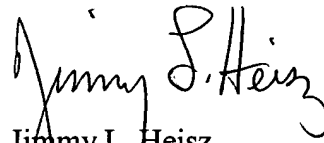
**IV. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 5-47.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.



Jimmy L. Heisz  
Registration No. 38,914

Dated: October 9, 2003

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800